

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division

JOANN WRIGHT HAYSBERT,

Plaintiff,

v.

Civil Action No. 4:20-cv-121

BLOOMIN' BRANDS, INC., *et al.*,

Defendants.

ORDER

This matter is before the Court on Defendants' Motion for Sanctions, ECF No. 326. Defendants seek sanctions against Interested Party Nazareth M. Haysbert ("Attorney Haysbert") who previously served as counsel for Plaintiff, Joann Wright Haysbert. The Court heard argument on the Motion on May 15, 2024, and July 8, 2024. For the reasons stated on the record, the Court found that Attorney Haysbert misrepresented to the Court and opposing counsel that he intended to call three expert witnesses at trial. The Court found that Attorney Haysbert made these misrepresentations during the Final Pretrial Conference on July 29, 2022, the Supplemental Final Pretrial Conference on August 1, 2023, and the trial on August 8, 2023. These misrepresentations multiplied the proceedings in this case unreasonably and vexatiously and were made in bad faith.

The Court found sanctions in the amount of \$2,328.75 appropriate pursuant to 28 U.S.C. § 1927, representing the reasonable legal fees Defendants incurred solely because of Attorney Haysbert's misconduct. That amount was calculated as follows, based on a rate of \$225 per hour for each attorney representing Defendants:


- \$225, representing 1 hour of attorney time to prepare for and address issues related to the experts at the Final Pretrial Conference on July 29, 2022, and the Supplemental Final Pretrial Conference on August 1, 2023 (1 hour * \$225/hour);

- \$450, representing 2 hours of attorney time to prepare for and address issues related to the experts on the first day of trial (2 hours * \$225/hour);
- \$1,226.25, representing 10.9 hours of attorney time preparing the Motion and Memorandum in Support for Sanctions and 10.9 hours of attorney time preparing the Supplemental Memorandum, discounted to 25 percent of the total time to account for the portion of the preparation fairly attributable to the specific misconduct on which sanctions were ordered (21.8 hours * \$225/hour * 0.25); and
- \$427.50, representing 7.6 hours of attorney time to appear for oral argument on the Motion for Sanctions, discounted to 25 percent of the total time to account for the portion of the hearing fairly attributable to the specific misconduct on which sanctions were ordered (7.6 hours * \$225/hour * 0.25).

Accordingly, Attorney Haysbert is ORDERED to pay sanctions in the amount of \$2,328.75 to Defendants no later than sixty (60) days from the entry of this Order.

It is SO ORDERED.

Date: July 9, 2024
Newport News, Virginia



Elizabeth W. Hanes
United States District Judge